

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEVEN D. McABOY, for himself and as  
Personal Representative of the Estate of  
JEAN McABOY, a single person,

Plaintiff,

v.

IMO INDUSTRIES, *et al.*,

Defendants.

Case No. C05-1241L

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

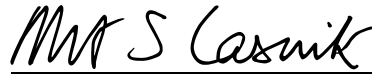
This matter comes before the Court on Plaintiff's "Motion for Reconsideration of this Court's Order Denying Plaintiff's Motion for Remand and Attorneys Fees" (Dkt. # 31). Plaintiff argues that this Court's decision is contrary to Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999). The facts in Murphy involved a party arguing that the removal time period is triggered *before* service, while this Court's order held that the removal time period could be triggered a short time *after* service of process to an agent. Although this Court is amenable to reconsidering a decision, the language presented from Murphy is devoid of the relevant context and, when properly contextualized, provides faint support for plaintiff's position. Moreover, this type of argument was addressed in the previous order. Order Denying Plaintiff's Motion for Remand and Attorneys Fees at 3 n.2. Finally, while plaintiff's policy arguments are not without some merit, plaintiff fails to argue why section 278 of the

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1 Restatement (Second) of Agency should selectively not apply in this context.

2 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's motion for  
3 reconsideration is DENIED.

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5 DATED this 14th day of November, 2005.

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8 Robert S. Lasnik  
9 United States District Judge

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